THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.21832 OF 2004

ORAL ORDER:

The petitioner claims to be the owner and possessor of land admeasuring Ac.7.24 cents situated in Sy.No.1733 of Reddicherla village, Komarolu Mandal, Prakasam District. It appears that there were some disputes with regard to path-way to reach the land of the 3rd respondent herein, and on an application made by the 3rd respondent, the Revenue Divisional Officer, Markapur, passed an order on 19.8.1996 directing the Mandal Revenue Officer, Komarolu Mandal, to take necessary steps for making a path-way as per the consent given by adjacent land-owners by name Pothuganti Kasaiah. However, subsequently, the Revenue Divisional Officer passed a fresh order on 22.11.2004 instructing the Mandal Revenue Officer to inspect the fields in Sy.No.1733; 1749/1, 2, 3 of Reddicherla and prepare sub-division with a width of 25 links path to go to the fields of the 3rd respondent herein. Aggrieved by the same, this writ petition is filed contending *inter alia* that the action of the 1st respondent in issuing fresh orders, virtually nullifying the earlier order dated 19.8.1996 without giving any notice to the petitioner is arbitrary and illegal.

This Court while directing *Rule nisi*, by order dated 29.11.2004, suspended the impugned order dated 22.11.2004. The said order continued to be in operation althrough, and no counter-affidavit has been filed by the respondents 1 and 2, so far. However, the 3rd respondent in his counter-affidavit while relying upon a report said to have been given by the Mandal Revenue Officer/2nd respondent, dated 21.7.2004, submitted that there exists a path-way in Sy.Nos.1733; 1747 and 1749 for entering into the lands of the 3rd respondent and others.

Having heard the learned counsel for the petitioner as well as learned counsel appearing for 3rd respondent and having regard to the nature of the controversy, the impugned order dated 22.11.2004 is set aside, and the writ petition is disposed of with a direction to the 1st respondent to conduct a fresh enquiry as to the respective claims made by the petitioner as well as the 3rd respondent and pass appropriate orders in accordance with law, after affording reasonable opportunity to both the parties to put-forth their version. The said exercise shall be completed as expeditiously as possible, preferably within a period of 8 weeks from the date of receipt of a copy of this order. No costs.

6.11.2007.

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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.21832 OF 2004

6th November, 2007.

Between:

M. Rama Lakshmi Reddy. .. Petitioner.

And

The Revenue Divisional Officer,
Revenue Divisional Office,
Markapur, Prakasam District and others. .. Respondents.